

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1399 of 2015

Sumit Kumar Addya @ Sumit Adhya
Vs.
Badrinarayan Upadhyay

Mr. Ayan Bhattacharjee
... For the petitioner

Mr. Anshuman Dutta
... For the opposite party

1. This revisional application has been filed assailing the judgment and order dated 30th July, 2014 passed by the learned Additional Sessions Judge, 3rd Court at Howrah in connection with Criminal Appeal No.46 of 2012 whereby affirming the judgment and order dated 31st August, 2012 passed by the learned Judicial Magistrate, 7th Court, Howrah in Complaint Case No.539/C of 2010 under Section 138 of the Negotiable Instruments Act, 1881 thereby convicting the petitioner to pay a fine of Rs.2,00,000/-, in default to suffer simple imprisonment for one year.

2. Mr. Ayan Bhattacharjee, learned advocate, appearing on behalf of the petitioner has drawn my attention to the orders passed by the learned Judicial Magistrate, 7th Court, Howrah as well as passed by the learned Additional Sessions Judge, 3rd Court, Howrah whereby the learned Additional Sessions Judge dismissed the appeal preferred against the judgment and order of conviction passed by the learned Judicial Magistrate, 7th Court, Howrah and affirmed the judgment and order of

conviction dated 31st August, 2012 imposing fine of Rs.2,00,000/- upon the petitioner, in default to suffer simple imprisonment for one year. Mr. Bhattacharjee has further submitted that the petitioner has already paid Rs.2,00,000/-.

3. Mr. Anshuman Dutta, learned advocate, appearing on behalf of the opposite party has submitted before this Court that the complainant has already received the entire amount in compliance with the order passed by the learned Judicial Magistrate, 7th Court, Howrah.

4. In the given facts and circumstances, I find that the petitioner already paid all fine amount imposed upon him and that too the amount was also withdrawn by the complainant.

5. In the aforesaid view of the matter, the accused/petitioner, namely, Sumit Kumar Addya @ Sumit Adhya be set at liberty at once.

6. It is submitted by Mr. Bhattacharjee that warrant was issued against the petitioner by the learned Judicial Magistrate, 7th Court, Howrah.

7. The learned Judicial Magistrate, 7th Court, Howrah is requested to recall the warrant, if issued at all.

8. With the aforesaid observation and direction, CRR 1399 of 2015 stands disposed of.

9. Let a copy of this order be communicated to the learned Judicial Magistrate, 7th Court, Howrah immediately for compliance.

10. Department is directed to send down the Lower Court Records forthwith.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

12. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)